

# MEMORANDUM

Agenda Item No. 7(A)

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**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners


**DATE:** (Second Reading 12-6-16)  
October 18, 2016

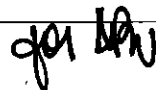
**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Ordinance relating to Road  
Impact Fees; amending section  
33E-8 of the Code; providing for  
a discount for road impact fees  
for certain pedestrian-oriented  
developments; providing criteria  
and procedures for determination  
of discounted road impact fees  
applicable to a pedestrian-  
oriented development and for an  
appeal of such determination;  
deeming urban center and urban  
area districts to be pedestrian-  
oriented developments

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairman Esteban L. Bovo, Jr., and Co-Sponsors Commissioner Daniella Levine Cava, Commissioner Sally A. Heyman and Commissioner Barbara J. Jordan.


  
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Abigail Price-Williams  
County Attorney



APW/cp

# Memorandum



**Date:** December 6, 2016  
**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners  
**From:** Carlos A. Gimenez  
Mayor   
**Subject:** Fiscal Impact Statement for Ordinance Relating to Road Impact Fees

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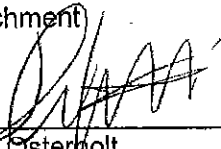
The proposed ordinance relating to Road Impact Fees implements a recommendation, made in the study conducted in response to Resolution No. R-772-14, to amend Chapter 33E of the Miami-Dade County Code to define a pedestrian oriented development based on specific criteria, which would qualify such developments to receive a 14.1 percent reduction in road impact fees. It also allows all areas within 1,500 feet of the core of the County's existing urban centers and urban area districts to be deemed as pedestrian oriented developments.

The administrative site plan review for an initial determination of a site's qualification as a pedestrian oriented development, along with any subsequent verification, will be performed through existing staff in the Department of Regulatory and Economic Resources. Administrative costs associated with these determinations could be covered through a proposed administrative site plan review processing fee of \$1,500.00 for an initial determination and the existing \$220.16 fee applied to zoning verifications. An amendment to Implementing Order No. 4-111 to cover these fee adjustments will be required if this ordinance is implemented.

With respect to the fiscal impact on future road impact fee collections, this reduction credits pedestrian oriented developments with a daily internalization rate and, therefore, allows the road impact fee assessed to more accurately account for a development's particular vehicular impacts. In Fiscal Year 2015-16, for development activities within 1,500 feet of the core of all urban centers and urban area districts, had the proposed discount been in place during this time period, the amount payable to the County would have been reduced by approximately \$2 million. The implementation of this ordinance may require adjusting the timeline on capital projects currently funded by road impact fee revenues to accommodate the impact of the reduction. The five year impact includes an average Present Day Cost growth of 3.3 percent.

Outside of the urban districts, it is difficult to determine how many large scale developments countywide might have qualified under these criteria, but such projects have had the ability to commission their own traffic studies, as provided for in Section 33E-9 of the Code, Fee Computation by Independent Study, to similarly account for the proposed daily internalization discount rate. Such a study would have been subject to review and approval by the Department of Transportation and Public Works. Assuming the study would have been approved, a similar discount would likely have been provided, resulting in no new fiscal impact on impact fee collections in these cases.

Attachment

  
\_\_\_\_\_  
Jack Osterholt  
Deputy Mayor

Fis00517 162296

**POD Road Impact Fee Fiscal Impact - 162296**

**Fiscal Impact Table**

Use Existing Resources

Revenue Category	Value	Year 1	Future Yr 1	Future Yr 2	Future Yr 3	Future Yr 4	Future Yr 5	Yes	No
General Fund									
Proprietary	-\$2,072,378	-\$2,072,378	\$ (2,142,632)	\$ (2,212,696)	\$ (2,284,166)	\$ (2,360,000)	\$ (2,437,880)		X
Federal Funds									
State Funds									
Interagency Transfers									
<b>Subtotal</b>	<b>\$ (2,072,378)</b>	<b>\$ (2,072,378)</b>	<b>\$ (2,142,632)</b>	<b>\$ (2,212,696)</b>	<b>\$ (2,284,166)</b>	<b>\$ (2,360,000)</b>	<b>\$ (2,437,880)</b>		
<b>Expenditure Category</b>									
Operating									
Salary	\$	\$	\$	\$	\$	\$	\$		
Fringes	\$	\$	\$	\$	\$	\$	\$		
Court Costs									
Contractual Services									
Charges for County Services									
Other Operating	\$	\$	\$	\$	\$	\$	\$		
Grants to Outside Organizations									
Capital	\$	\$	\$	\$	\$	\$	\$		
<b>Subtotal</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>		
Non-Operating									
Debt Services									
Distribution of Funds In Trust									
Transfers									
Depreciation, Amortization, and Deletions									
<b>Subtotal</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>		
<b>Grand Total</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>		

**Note: Fiscal impact narrative (paragraph above the table) should contain the following, if applicable:**


1. Description of the anticipated increase or decrease of expenditures listed above and current and subsequent fiscal years, if any,
2. Description of projected dollar value of anticipated expenditures that will be absorbed within existing resources within the current fiscal year;
3. Description of subsequent governmental action that will be required in order to determine anticipated revenues and expenditures, including new revenues (federal, state, or the need to increase existing fees)
4. Any long-term fiscal implications as a result of the implementation of the proposed legislation, if any, in cases where risk factors or other variables that may impact future revenues or expenditures are uncertain, volatile, or difficult to project, a description of risk factors or variables and estimate or projection of anticipated or projected impacts to revenues and expenditures
5. Description of all assumptions used to project the fiscal impact of the proposed legislation and include estimate anticipated revenues and expenditures
6. In the cases where the Mayor has determined a "no fiscal impact", a description of the assumptions and analysis used to reach that conclusion

# Memorandum



**Date:** December 6, 2016

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Social Equity Impact Statement for Ordinance Amending Chapter 33 of the Code  
Related to Road Impact Fees

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The proposed ordinance amends Chapter 33 of the Code to provide for a 14.1 percent reduction in road impact fees payable to the County in connection with any applicant meeting pedestrian oriented development criteria. More specifically, developments/areas eligible for a reduction must meet specific criteria set in the proposed ordinance that addresses:

- development size (sets maximum size for development area or square footage parameters if it is one single development);
- development land uses (sets minimum percent of total development for non-residential use and requires that at least three (3) other land uses besides residential be included, but must exclude gas stations, fast food restaurants, or uses with drive-thru facilities);
- building design features (requires one public space, a discernable center, and sets minimum distance and setback standards); and
- internal connectivity (sets standards for sidewalks and vehicular streets).

Currently, developments are required to pay road impact fees based on a certain formula set in the Code. In the past, developments wanting to be credited with road impact fee reductions because of internal trip captures have commissioned independent traffic studies, thereby adjusting the amount of road impact fees to be paid accordingly. This proposed ordinance will incorporate an automatic 14.1 percent reduction in road impact fees to be paid to more accurately account for a pedestrian oriented development's vehicular impacts. Therefore, this proposed ordinance stands to benefit developments that meet the pedestrian oriented development criteria by automatically offering a 14.1 percent adjustment, no longer placing an onus on fee payers to commission the aforementioned independent traffic study. Furthermore, individual businesses within 1,500 feet of the core of the County's urban centers and urban area districts will also benefit from the same adjustment in road impact fees.

  
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Jack Osterholt  
Deputy Mayor

162296



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** December 6, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 7(A)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised**
- 6 weeks required between first reading and public hearing**
- 4 weeks notification to municipal officials required prior to public hearing**
- Decreases revenues or increases expenditures without balancing budget**
- Budget required**
- Statement of fiscal impact required**
- Statement of social equity required**
- Ordinance creating a new board requires detailed County Mayor's report for public hearing**
- No committee review**
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve**
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 7(A)  
12-6-16

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO ROAD IMPACT FEES; AMENDING SECTION 33E-8 OF THE CODE OF MIAMI-DADE COUNTY; FLORIDA PROVIDING FOR A DISCOUNT FOR ROAD IMPACT FEES FOR CERTAIN PEDESTRIAN-ORIENTED DEVELOPMENTS; PROVIDING CRITERIA AND PROCEDURES FOR DETERMINATION OF DISCOUNTED ROAD IMPACT FEES APPLICABLE TO A PEDESTRIAN-ORIENTED DEVELOPMENT AND FOR AN APPEAL OF SUCH DETERMINATION; DEEMING URBAN CENTER AND URBAN AREA DISTRICTS TO BE PEDESTRIAN-ORIENTED DEVELOPMENTS; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Section 33E-8 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 33E-8. Fee computation by adopted schedule.**

The feepayer may elect to allow the County Public Works ~~[[and Waste Management]]~~ Director to use the impact fee schedule set forth below developed pursuant to the formula set forth in Section 33E-7(a). The Impact Fee Per Unit of Development shall be multiplied by the Present Day Cost (PDC) Multiplier for the year in which the fee is paid in accordance with the table in subsection 33E-8(d).

- (a) The following impact fee schedule shall be used by the County Public Works and Waste Management Director in computing the road impact fee:

\* \* \*

<sup>1</sup> Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

- (b) >>Pedestrian-Oriented Development. A mixed-use development that meets all of the criteria for a Pedestrian-Oriented Development (POD) set forth below shall be entitled to an impact fee reduction of 14.1 percent, which represents the average daily trip generation internalization rate attributable to this type of development. The discount shall not apply to any administrative, convenience, or transactional fees.

(1) Criteria

a. Criteria 1 – Development Size

1. Development area is less than 162 acres.
2. Development is a single master-planned development between 100,000 and 2,000,000 square feet in size.

b. Criteria 2 – Development Land Uses

1. Non-residential land use exceeds 30 percent of the total development area.
2. Residential land use, which can include single-family detached homes, townhouses, rowhouses, or apartments, is between 25 and 55 percent of the total development area.
3. Development area includes a combination of at least three other land uses besides residential, as those uses are defined in Section 33-284.83 of this code: Professional Business Offices; Health Care Services; General Retail/Personal Service Establishments; Food/Beverage Establishments (excluding fast food restaurants and drive-through facilities); Entertainment Uses; Accommodation Uses; or Civic Uses.

4. The second and third largest land uses must be at least 10 percent of the overall area.
5. The development does not have fast-food restaurants, gas stations, industrial uses, or uses with drive-through facilities.

c. Criteria 3 – Building Design Features

1. The development has at least one major public space such as a plaza, park, town square, or other public gathering space such as a community center.
2. The development has a discernible center. This is often a square, a green, a roundabout, a park or a busy street corner, or some combination of the above.
3. The development is within a 1,500 foot radius of the POD's center.
4. There are multiple buildings accommodating more than one land use.
5. The buildings and individual project components have mostly common features and support services such as shared parking, servicing, loading, and utility areas.
6. The building setbacks are less than or equal to 25 feet from the roadway.
7. The building main entries face the street.

d. Criteria 4 – Internal Connectivity

1. The pedestrian sidewalks form a network connecting all areas of the development.
2. The pedestrian sidewalks are between 12 and 20 foot wide.
3. The internal vehicular streets are two or four lanes (11 or 10 foot wide lanes) and shaded by rows of trees.



4. Vehicles can access any part of the development without using the adjacent regional roadways.

(2) Process for approval of POD impact fee reduction.

- a. Initial Determination. The County Zoning Director shall, through an administrative site plan review, determine whether a development satisfies the POD criteria set forth above.
  1. The approved site plan may thereafter be constructed in phases, but to receive the POD impact fee reduction, each phase shall be subject to a final determination of compliance as set forth below.
  2. A Miami Dade County Urban Center or Urban Area District established in Chapter 33 of this Code is deemed to be a POD. Development on any parcel located in, or within 1,500 feet of, the Core sub-district of any such Urban Center or Urban Area District shall be entitled to the 14.1 percent impact fee reduction, subject to a final determination as set forth below to verify the location of the parcel.
- b. Final Determination. Prior to approval of a POD impact fee reduction for any individual parcel or construction phase, the County Zoning Director shall issue a written determination as to whether the subject property is located within an approved POD or within the requisite area of an Urban Center or Urban Area District.
- c. Appeals. Any appeal of a POD determination shall be filed in accordance with section 33E-15 of this chapter.

(c)<< If the type of land use within a proposed or current development is not specified in the above impact fee schedule, the County Public Works ~~[[and—Waste Management]]~~ Director shall use the ITE Land Use Type most nearly comparable in computing the fee. In the absence of an appropriate land use category codified herein, the County Public Works ~~[[and—Waste Management]]~~ Director may use a trip generation rate for a substantially similar land use category as published in the current edition of "The Trip Generation Manual" of the Institute of Transportation Engineers.

>>(d)<<~~[[e]]~~ In determining existing development activity, as defined in Section 33E-5(10) of this chapter, and the units of proposed or existing development, the County Public Works Director shall use the building permit and certificate of use information contained in the records of the Miami-Dade County Regulatory and Economic Resources Department and municipal building code and zoning regulation administering agencies.

>>(e)<<~~[[d]]~~ Table of Present Day Cost (PDC) Multipliers.

\* \* \*

**Section 2.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 3.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 4.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

GBK for KAN  
CJA for DAK

Prepared by:

Dennis A. Kerbel

Prime Sponsor: Vice Chairman Esteban L. Bovo, Jr.  
Co-Sponsors: Commissioner Daniella Levine Cava  
Commissioner Sally A. Heyman  
Commissioner Barbara J. Jordan